

BOARD OF ADJUSTMENT MINUTES

OCTOBER 25, 2017

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201 West Gray, at 4:30 p.m., on Wednesday, October 25, 2017. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:36 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Brad Worster
Curtis McCarty
Mike Thompson
Andrew Seamans

MEMBERS ABSENT

James Howard

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Roné Tromble, Recording Secretary
Leah Messner, Asst. City Attorney

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Item No. 3, being:

APPROVAL OF MINUTES OF THE SEPTEMBER 27, 2017 REGULAR MEETING

Brad Worster moved to approve the minutes of the September 27, 2017 Regular Meeting as presented. Curtis McCarty seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS

Brad Worster, Curtis McCarty, Mike Thompson,
Andrew Seamans

NAYS

None

ABSENT

James Howard

Ms. Tromble announced that the motion to approve the September 27, 2017 Minutes as presented passed by a vote of 4-0.

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Item No. 4, being:

BOA-1718-4 – BROOKHAVEN OFFICE PARK, L.L.C. REQUESTS A VARIANCE TO ALLOW THE BRICK ENTRYWAY FEATURES TO REMAIN IN THEIR CURRENT LOCATION AS CONSTRUCTED APPROXIMATELY 1 TO 2 FEET FROM THE RIGHT-OF-WAY LINE, WITH A MODEST "B" SCRIPTED LETTER ON THE FACE OF EACH FEATURE, FOR PROPERTY LOCATED NEAR THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Revised Sidewalk Location Plan
4. Application with Attachments

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports the variance to allow the existing structures because the new street design achieves the minimum 9-foot separation and the Public Works staff has approved the revised construction plans for the sidewalk that will meet their safety concerns. Staff recommends the Board acknowledge that the current condition will remain until the roadway widening project is complete.

PRESENTATION BY THE APPLICANT:

Sean Rieger, 136 Thompson Drive, representing the applicant – We were before you previously on this. I just want to show you the change that has happened here. I appreciate staff very much; they were helpful with this. After we were with you previously, we doubled back to see if there was any way we could keep both of these structures. They were built; they're in place. To my knowledge, we haven't had any complaints from anybody around these. I appreciate staff's statement, but I do want to say that when these were built, it's my understanding from the applicant that there was discussion at the time they were built whether it would be part of the landscaping and features of the landscaping, and I think there was some knowledge that it was okay at that time, and then we learned after the fact it wasn't. So we came back through the process to try to get them approved, and that's why we're here.

Basically, the change is we met with Public Works staff extensively about this before the last hearing, and now again before this hearing, and Mr. Stenis was very accommodating to allow us to do that and to help us in that meeting. It was discussed how do we make this work so we still have a safe sight triangle and we can still leave these structures in place? What was discussed is, if you look at existing, these structures are very close to the sidewalk. So the issue was the sight triangle -- when you pull up to stay clear of the sidewalk the structure becomes part of the sight triangle. If you pull up past the structure, then you're blocking the sidewalk. So we're trying to find a way to not block visibility but to allow for the sidewalk to not be blocked either. So what is going to happen, and what we came to agreement with staff on, is that when the road work is done, they will simply move the sidewalk out. So the sidewalk, which is a 10-foot wide sidewalk – there's enough room, we've determined with Public Works staff, to move it out to where it's still off the street 2 feet – I think that's about 3 feet, 10-foot sidewalk, and still 9 feet to the structure. As noted in the staff report, right now this sidewalk stops over here – right now there is no sidewalk over here, so not many people are using this sidewalk to go anywhere and it's pretty low traffic as they said in the staff report. So it is not currently an issue. We've now determined that we can fix it once the road work is done and we can satisfy the safety issue and the sight triangle issue. That was basically the compromise that we came to. We appreciate staff very much. We had a meeting on it. Public Works came and worked through that with us. We redid the drawings to show it this way, and that's why we're here today. We

very much appreciate the revised staff report that now recommends approval to you, whereas previously had a recommendation of denial. I would answer any questions you have. Thank you for your time.

Mr. McCarty – On the eastern part of that entrance to the right, the sidewalk will basically just go straight instead of how it 45s in.

Mr. Rieger – Pretty much. It becomes a wide sidewalk that pretty much goes straight along that side. The street edge changes too, though. That street edge is not indicative of where it will be after the project is done. They both shift a little bit.

Mr. Stenis – I might interject – the roadway project includes multi-purpose trail on both sides for bicycles and pedestrians. That's why it's become wider and there are little pieces of the bicycle trail that actually go from the sidewalk to the street at various points. At this particular point the engineers designed it and preferred it to be on the sidewalk off the street at this driveway location. On the north side of the street, close to where the width changes, they're going to direct the bicycles onto the street near that point and then bring them back up further down.

Mr. Thompson – If it became an issue in the future, what about making that just a one-way, because it's a pretty narrow drive to begin with. Does that affect it?

Mr. Rieger – It's actually 24'. Typical two-lane drive is usually 24-26' and that's what it is.

Mr. McCarty – Is there any other way into that? Does it connect to the other ones?

Mr. Rieger – It does. It's helpful in that what I would envision happens here is that probably, if you're right here wanting to turn left onto 36th, I would probably think a lot of people are going to come up here and turn right and get into that left turn lane and have a much safer left turn onto 36th. And if you were coming on Rock Creek you would probably want to right-turn into it and not go around through the intersection. So we would prefer to have the two-way. And that was talked about in the staff meeting. It was discussed can you go one-way instead of two-way and Angelo and everybody decided it was probably preferable to keep it a two-way entry. We had the dimension for it and we have an office park that probably benefits from having both directions in and out.

Ms. Connors – I don't think the public would have respected a one-way, personally.

Mr. Rieger – It was talked about putting a sign up.

Mr. Seamans – Do you know what the framing structure of these two structures? Is it like a CMU block and brick?

Joey Wishnuck – It's wood.

Mr. Worster – I was thinking in one of these – it might have been from the one back in March – but that it had said that it was just going to keep the "B" on it and it wasn't going to be individual office names on the sign or anything like that. But scanning through this, I don't see that in this report. So are you looking to take the "B"s off and put a bunch of plates with a bunch of office names on?

Mr. Wishnuck – Not here on Rock Creek Road. The idea of having multiple-tenant signage was on 36th. This one is just the "B" for identification.

Mr. Stenis – The variance request is to retain the existing structures with the "B" on them in the parallel placement.

Mr. Rieger – I think what Mr. Wishnuck is talking about is there was a sign requested on the right over there that was for a multi-tenant sign, and that was approved last time. This one is just the "B" and pretty subtle.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to approve the Variance. Mike Thompson seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, Andrew Seamans
NAYS	None
ABSENT	James Howard

Ms. Tromble announced that the motion, to approve the Variance, passed by a vote of 4-0.

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Item No. 5, being:

BOA-1718-5 – LYNN LLOYD AND HOLLY MCGEE REQUEST VARIANCES TO ALLOW CONSTRUCTION OF A NEW SINGLE-FAMILY HOUSE WITH A FRONT YARD SETBACK OF 6'4" AND A REAR YARD SETBACK OF 6'4" FOR PROPERTY LOCATED AT 1228 N. PETERS AVENUE.

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Location Map
3. Application with Attachments

PRESENTATION BY STAFF:

Mr. Stenis reviewed the staff report, a copy of which is filed with the minutes. Staff supports the variances as requested because it meets the requirements.

Mr. McCarty – I saw on the site plan there's a pretty large what appears to be right-of-way in the front on Peters. Do you know how large this is? There are no dimensions. The only reason I bring that up is we ask for a 25' setback for new construction, but usually the right-of-way is around 12'. This looks like they've got a lot more than normal because the right-of-way is larger. Am I looking at that right? .

Mr. Stenis – I think you are.

Mr. McCarty – My point is that helps with the setback as long as Peters never is widened.

Mr. Stenis – That's a point I did not cover in my report.

Mr. McCarty – If the sidewalk is drawn at our traditional 11', which I'm not sure this is or not – the back side in our new standards are 11' – it looks like there's more room there than there probably really is. Usually the property lines go to the back of the sidewalk, which is typically 12'.

PRESENTATION BY THE APPLICANT:

Holly McGee, the applicant – It is drawn to scale. It's definitely in the teens from Peters before it even starts our actual property. I'm mostly here for questions. I asked for approval to do a little bit larger footprint just because that way we can actually have just a more useable floorplan in the next build. The proposed floorplan, which we're still working out, is on the last page of the colored picture document.

Mr. Thompson – After driving by, I saw a blighted area that would be improved.

Ms. McGee – Each day on my way to work I drive by the blighted area and I've always thought how can I make this better? Now I'm looking to build a home for my widowed mother for when she's in town to spend time with grandkids. That's the purpose of this.

Mr. McCarty – I guess, according to this, there are no easements anywhere that I see on the property. Are there any platted easements?

Mr. Stenis – None that I saw.

Mr. McCarty – I saw the power pole goes down the alley. It looks like she's probably far enough away from that. If it was across the back, a lot of those power poles have easements either side of the main lines that you'd have to look out for if you go up.

Ms. McGee – We are aware of that. Those are right on Peters. We're already working with engineering at OG&E to move the feed line to the house to the north so that it is further away from our structure than it already is.

Mr. Worster – So the alley is your main access?

Ms. McGee – To the south – correct. There's not an existing drive and we can't cut one off of Peters.

Mr. Worster – Is that alley improved?

Mr. Stenis – The approach is paved. It looks like it's gravel, but I haven't driven out there lately.

Ms. McGee – It's paved for about the first 8', then it's gravel after that. I've already been talking to Public Works to have it re-graveled, at a minimum. Also we plan to work with them to have the sidewalks redone, because they're pretty busted up, since we're already going to have concrete pouring out there.

Mr. Stenis – The right-of-way width is approximately 66'. From the centerline to the front of the property line is probably 33'.

Mr. McCarty – I know we're not here for this, but tell your architect you should have a window upstairs.

Ms. McGee – Oh, we will. Forgive me. I purchased this home in the last two weeks and it's just kind of been a whirlwind. It's just one of those I've looked at it and looked at it and finally just pulled the trigger. Just as we'll have elevations once we know if we can enlarge the footprint.

Mr. McCarty – I haven't run the calculations, but does the impervious coverage ratio include that City right-of-way area as well?

Mr. Stenis – No, it's just the lot area. I ran those and the numbers are in the staff report.

AUDIENCE PARTICIPATION:

None

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to approve the Variances as requested, for a front yard setback of 6'4" and a rear yard setback of 6'4". Mike Thompson seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Mike Thompson, Andrew Seamans
NAYS	None
ABSENT	James Howard

Ms. Tromble announced that the motion, to approve the Variances as requested, passed by a vote of 4-0.

Mr. Seamans noted that there is a 10-day appeal period before the Board's decision is final and a building permit can be issued.

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Item No. 6, being:

MISCELLANEOUS COMMENTS

None


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Item No. 7, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 5:06 p.m.

PASSED and ADOPTED this 6th day of December, 2017.



Board of Adjustment